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FM AMEMBASSY PARIS
TO RUEHC/SECSTATE WASHDC PRIORITY 2649
INFO RUCNMEM/EU MEMBER STATES

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 007096

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DEPARTMENT FOR G/TIP (JODY BUCKNEBERG); DEPARTMENT FOR
EUR/WE

E.O. 12958: DECL: 10/29/2016

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SUBJECT: G/TIP: FRANCE MAKES CASE FOR PROGRESS ON
TRAFFICKING

Classified By: Political Minister Counselor Josiah B. Rosenblatt
for reasons 1.4(b)(d).

¶1. (C) SUMMARY. Jean-Michel Colombani, Chief of the Interior Ministry's Central Office for the Prevention of Trafficking in Persons, made the case during an October 25 meeting that France has a strong record in preventing and addressing the trafficking of persons and continues to make significant progress on this issue. Colombani had clearly studied carefully last year's TIP report on France and proceeded methodically and without prompting to address U.S. concerns on implementation, trafficking as an extenuating factor in sentencing, screening of victims, and their eventual deportation. In all four categories, he argued forcefully that France meets, and in many cases exceeds, the baseline requirements of American law. Colombani closed the meeting by noting Interior Minister Sarkozy's strong, abiding, and personal commitment to fighting trafficking, worrying that a U.S. decision to lump France together "with countries like Nigeria," beyond being unjustified, would be taken as a affront by Sarkozy personally and French officials more generally. END SUMMARY.

FRANCE ADDRESSING U.S. CONCERNS ON TIP

¶2. (C) At an October 25 meeting with Jean-Michel Colombani, head of the Interior Ministry's Central Office for the Prevention of Trafficking in Persons, which deals primarily with prostitution, made the case that France is fully addressing U.S. concerns about its efforts against trafficking. (NOTE: Colombani deals with trafficking as related to prostitution, where French officials continue to prefer to have resort to anti-pimping laws for purposes of prosecution of traffickers. The law against trafficking, which is based on the anti-pimping law, is reserved mainly for servitude and other cases of trafficking but generally does not cover prostitution. Another distinction worth noting is that, while prostitution itself is legal in France as a private matter, soliciting and pimping are not because they are considered as threats to public order. END NOTE.)

RIGOROUS IMPLEMENTATION

¶3. (C) Colombani, who had clearly studied last year's TIP report, methodically addressed U.S. concerns while arguing that France meets, and in many cases exceeds, the baseline requirements of American law. He noted that the minimum penalty on the books for trafficking is seven years. Judges sometimes do not sentence people to the full extent of the law, but that is their decision consistent with the separation of judicial powers in France. As in past meetings, Colombani expressed pride in what he viewed as France's proactive efforts in this domain, noting his travel to other countries and attempts by France to work with others against trafficking. Some countries (such as Bulgaria) are

more cooperative than others (such as Nigeria, "whose main export is people," as Colombani put it). Colombani provided us with some potential sources of additional statistics on various categories of trafficking violations pursued by French authorities, including the Central Office for the Battle Against Illegal Work (OCLTI, which is part of the French National Police), the Directorate of Public Liberties and Judicial Affairs of the Interior Ministry, the General Directorate of Social Action of the Ministry of Social Affairs, and the Chancellery of the Directorate of Penalties.

PUNISHMENT AS A RESULT OF TRAFFICKING

¶4. (C) Colombani argued that French judges take fully into account, in attributing guilt and meting out punishments, whether the perpetrator is him/herself a victim of trafficking. He stated categorically that trafficking victims generally are not sentenced and imprisoned, adding anecdotally that judges often limited themselves to "wagging their fingers" and suggesting that the victims look for other lines of work. While the French government has given to associations the job of taking care of trafficking victims, judges are active in referring prostitutes to associations, and there are provisions for financial and other assistance aimed at facilitating their reinsertion into society. Colombani stated that French police efforts are focused almost entirely on the pimps and organizers behind prostitution, and not on the prostitutes (victims) themselves.

SCREENING/VICTIM IDENTIFICATION

¶5. (C) Colombani said that France is active in screening and victim identification, and that, as with sentencing, the key to their efforts is to distinguish between victims and pimps.

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It is for this reason, he explained, that the law permits police to detain prostitutes for up to 24 hours. Previously, associations had often encountered difficulty with victims out in the open, since the pimps often hovered nearby and were not above interfering actively in their efforts. The 24-hour period, he asserted, allows the victims to develop a relationship with police officials "in a more intimate setting," thus facilitating exchanges aimed at determining whether they are victims of trafficking. In that event, victims can be put in touch with associations advocating victims' rights and benefit from the efforts of support groups.

LEGAL ALTERNATIVES TO DEPORTATION

¶6. (C) Colombani stressed that French law provides for legal alternatives to deportation for the victims of trafficking. Specifically, French law provides for legal residence permits in return for cooperation with authorities in persecuting pimps and organizers. Voluntary departure from France is an option that is encouraged, and France recently concluded an agreement with Bulgaria in this regard. At the same time, Colombani was adamant that victims of trafficking are not returned to countries where they risk suffering mistreatment.

As evidence, he showed us a circular letter from Interior Minister Sarkozy to all prefectures spelling this out in black and white. Colombani also noted that trafficking victims have the option, if they are convicted of crimes, of serving out their time in a French facility.

THE ONUS OF IMPROVEMENT

¶7. (C) Reminded that France, in order to maintain its Tier 1 ranking, needed not only to meet the appropriate standards but also show improvement, Colombani argued forcefully that France's efforts against trafficking are strong and continue to improve, although he admitted that proving that statistically is sometimes challenging. Statistics on prosecutions and convictions, he said, did not always do justice to France's best efforts, and there were instances

where the law of diminishing returns was also a factor (i.e., putting ten percent more policemen on the streets did not result in ten percent more convictions, especially if they followed on previously successful efforts). Moreover, he continued, criminals are becoming more sophisticated, he said, with many of the traffickers choosing increasingly to work through the internet. Finally, most of the organizers, having concluded that the environment in France was hostile to them, were now working from across the border.

COOPERATION WITH U.S. ON TRAFFICKING

18. (C) Colombani stated that cooperation with the U.S. and other countries on fighting trafficking is important to France, and he pointed proudly to a medal he had received from the Secret Service. He said that France considers its efforts against trafficking exemplary, and noted again that Interior Minister Nicolas Sarkozy takes a personal interest in trafficking issues, and is strongly committed to the fight against trafficking. He concluded with an expression of hope that the U.S. would recognize France's efforts, noting that any decision to lump France together with a number of chronic underperformers such as Nigeria would not be taken with equanimity either by Sarkozy or GOF officials such as himself.

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